

REMARKS

The present application was filed on January 31, 2001 with claims 1-48. Claims 1, 15 and 32 are the independent claims.

Claims 1-29, 31-46 and 48 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,005,536 (hereinafter "Beadles") in view of U.S. Patent No. 5,946,046 (hereinafter "You").

In this response, Applicants add claims 49-54, and amend independent claims 1, 15 and 32 by incorporating additional clarifying language, including language similar to dependent claim 31, which is now canceled. Claim 48, which has language similar to claim 31, has also been canceled. Applicants respectfully request reconsideration of the present application in view of the amendments above and remarks below.

With regard to the §103(a) rejections, Applicants initially note that a proper case of obviousness requires that the cited references when combined must "teach or suggest all the claim limitations," and that there be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references or to modify the reference teachings. See Manual of Patent Examining Procedure (MPEP), Eighth Edition, August 2001, §706.02(j).

Applicants submit that the Examiner has failed to establish a proper case of obviousness in the §103(a) rejection of claims 1-29, 31-46 and 48 over Beadles and You, in that the Beadles and You references, even if assumed to be combinable, fail to teach or suggest all the claim limitations, and in that no cogent motivation has been identified for combining the references or modifying the reference teachings to reach the claimed invention.

Independent claim 1 is directed to a method of processing a signal wherein at least a portion of the signal includes one or more closed captions representing audio content associated with a program whose visual content is being viewed by a user. The method comprises the steps of obtaining, directly from an originating source, the signal including the one or more closed captions in a portable processing device; autonomously processing the signal in the portable processing device so as to generate a display signal representative of the one or more closed captions in the obtained

signal; and providing the display signal from the portable processing device to a portable display, operatively coupled to the device, for presentation to the user so that the user may view the visual content of the program and view the one or more closed captions in accordance with the portable display; wherein the portable processing device further comprises an input controller operatively coupled to the processor for allowing the user to enter one or more instructions to the processing device, and a microphone operatively coupled to the processor for allowing the user to enter one or more voice-based instructions to the processing device; and further wherein at least one of the one or more instructions comprises a channel selection instruction.

In an illustrative embodiment, the present invention provides for portable and universal receipt of closed captioning services by a user. It is to be appreciated that, as used herein with respect to the invention, the term "portable" generally means that the methods and apparatus of the invention permit a user to carry (e.g., wear) a device for receiving closed captioning services wherever he or she may be viewing video content with an audio component in accordance with a video/audio content display system. The portability of such a device is also benefitted by the fact that the device need not be operably connected to the content display system. Further, as used herein with respect to the invention, the term "universal" generally means that the methods and apparatus of the invention permit a user to receive closed captioning services independent of (autonomously with respect to) the video/audio content display system that they are using to view the video content. See the present specification at page 3, lines 4-16. As shown in FIG. 1, a portable and universal closed caption receiving device or receiver 100 operates in conjunction with a head mounted display system 102 coupled thereto. As illustrated, the head mounted display system 102 comprises a microdisplay 103 mounted on a pair of eyeglasses 104. While a user is not expressly shown, it is to be understood that the user wears the eyeglasses on his or her face in a normal manner and also preferably carries the receiver 100 on his or her body, e.g., attaches the receiver to a waist belt. Coupled to closed caption receiving device 100 are control module 114, which represents a handheld controller connected to the closed caption receiving device 100 that allows a person to choose a channel, turn the device on or off and control the general operating directives associated with the

device, and microphone 116 for inputting the user voice commands. See the present specification at page 8, lines 6-14, page 10, lines 23-25, and page 11, lines 19-21.

Beadles does not teach or suggest the limitation of “the portable processing device further compris[ing] an input controller operatively coupled to the processor for allowing the user to enter one or more instructions to the processing device, . . . wherein at least one of the one or more instructions comprises a channel selection instruction.”

The Examiner looks to the You reference to supplement the above-noted deficiencies of Beadles as applied to claim 1. On page 2, last paragraph of the Office Action, the Examiner states that “You, from the similar field of endeavor, teaches a remote controller 60 for receiving and displaying closed caption data on a LCD display 57.” The Examiner also makes the assertion that “at the same time, the remote controller also performs the remote control functions such as channel changes, volume changes, or menu selections” (see the Office Action at page 2, last paragraph). However, the only thing You mentions is that reference number 61 represents function keys. You does not mention that channel selection is one of these function.

In characterizing the Beadles reference as allegedly meeting certain limitations of claim 31, which is now incorporated into claim 1, the Examiner relies on FIG. 8 of Beadles. The examiner points to “the automatic speech recognition system 820, coupled with the receiver/decoder 824, [as] inherently includ[ing] the microphone as claimed” (see the present office action at page 4, first paragraph). As noted above, the microphone in the present invention is part of the portable processing device. Beadles, in FIG. 8 does not teach or suggest of an automatic speech recognition system 820, coupled with receiver/decoder 824 as being part of Beadles’ wearable display device.

The You reference fails to supplement the above-noted deficiencies of Beadles as applied to claim 1. Accordingly, it is believed that the teachings of Beadles and You fail to meet the limitations of amended claim 1.

Also, the Examiner has failed to identify a cogent motivation for combining Beadles and You in the manner proposed. The Examiner provides the following statement of motivation beginning at page 2, last paragraph of the Office Action:

Therefore, it would have been obvious to one of ordinary skill in the art at the time of [sic] the invention was made to include the television channel selection and caption display features of You into Beadles to perform the well known functions as claimed.

The Federal Circuit has stated that when patentability turns on the question of obviousness, the obviousness determination “must be based on objective evidence of record” and that “this precedent has been reinforced in myriad decisions, and cannot be dispensed with.” In re Sang-Su Lee, 277 F.3d 1338, 1343 (Fed. Cir. 2002). Moreover, the Federal Circuit has stated that “conclusory statements” by an examiner fail to adequately address the factual question of motivation, which is material to patentability and cannot be resolved “on subjective belief and unknown authority.” Id. at 1343-1344. There has been no showing in the present §103(a) rejection of claim 1 of objective evidence of record that would motivate one skilled in the art to combine Beadles and You to produce the particular limitations in question. The above-quoted statement of motivation provided by the Examiner appears to be a conclusory statement of the type ruled insufficient in the In re Sang-Su Lee case. The Beadles/You combination does not teach or suggest a universal portable solution to caption display problems, as recited by the claimed invention. Accordingly, the proposed combination appears to be based primarily on hindsight, with the Examiner attempting to reconstruct the claimed arrangement from disparate references.

Independent claims 15 and 32 include limitations similar to those of claim 1, and are therefore believed allowable for reasons similar to those described above with reference to claim 1.

Dependent claims 2-14, 16-31, 33-46 and 48 are believed allowable for at least the reasons identified with regard to claim 1. One or more of these claims are also believed to define separately-patentable subject matter over the cited art.

With regard to the rejection of claim 12, Beadles does not teach or suggest all the limitations of claim 12. Claim 12 is directed to presenting the visual content of the program on a television set and obtaining the broadcast television signal from the closed caption translation services via redirection from the television set. As mentioned by the Examiner on page 3 of the present office action, “... Beadles does not explicitly states [sic] a television set for presenting the television images.” The Examiner looks to reference number 827 of FIG. 8 as teaching the claimed television

set. However, reference number 827 refers to a film or tv program, not a television set. A television program and a televisin set are two different entities.

The You reference fails to supplement the above-noted deficiencies of Beadles as applied to claim 12. Accordingly, it is believed that the teachings of Beadles and You fail to meet the limitations of claim 12.

Dependent claims 26 and 43 include limitations similar to those of claim 12, and are therefore believed allowable for reasons similar to those described above with reference to claim 12.

Applicants have added claims 49-52 to further define the present invention. New claim 49 is directed to using the portable processing device to select a broadcast television signal. New claim 50 is directed to the portable processing device extracting a caption corresponding to the selected broadcast signal. Support for claims 49 and 50 is shown in FIG. 1 and page 10, line 13 through page 12, line 18 of the present specification.

New claim 51 is directed to capturing an audio signal by the microphone operatively coupled to the processor, and transcribing the audio signal by a remote-transcription service. Support for claim 51 is shown in FIG. 3 and page 15, line 13 through page 16, line 4 of the present specification.


New claim 52 is directed to the transcription service synchronizing the one or more closed captions from the real-time transcription through a telephone. Support for claim 52 is shown in FIG. 2 and page 13, line 1 through page 15, line 4.

New claim 53 is directed to substantially synchronizing the closed captions by hierarchically indexing a playing time of the program. Support for claim 53 is shown on page 20, lines 8-10.

New claim 54 is directed to providing a situational description of the program with the closed caption translation service. Support for claim 54 is shown on page 21, lines 1-13.

In view of the foregoing, claims 1-54 are believed to be in condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William E. Lewis", written over the printed name.

William E. Lewis

Attorney for Applicant(s)

Reg. No. 39,274

Ryan, Mason & Lewis, LLP

90 Forest Avenue

Locust Valley, NY 11560

(516) 759-2946

Date: November 20, 2006